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8 CELLCO PARTNERSHIP (D/B/A VERIZON
WIRELESS)

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 (OAKLAND DIVISION)

12
13 CATHERINE GELLIS, individually and
on behalf of all others similarly situated,

14 Plaintiff,

15 vs.

16 VERIZON COMMUNICATIONS, INC., a
17 Delaware Corporation; VERIZON
WIRELESS, an unincorporated
18 association; CELLCO PARTNERSHIP, an
unincorporated association; and DOES 1-
19 100, inclusive,

20 Defendants.
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CASE NO. C 07-03679 JSW

**[PROPOSED] ORDER GRANTING
DEFENDANT CELLCO PARTNERSHIP'S
(D/B/A VERIZON WIRELESS) MOTION
TO DISMISS PURSUANT TO FED. R. CIV.
P. 12(b)(6)**

DATE: November 2, 2007

TIME: 9:00 a.m.

PLACE: Courtroom 2

The Honorable Jeffrey S. White

ORDER

Cellco Partnership's (d/b/a Verizon Wireless) ("Verizon Wireless") Motion to Dismiss Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) came for hearing before this Court on November 2, 2007, with Defendant and Plaintiff appearing through counsel.

After considering the briefs, arguments, and all other materials properly presented to this Court, the Court concludes, for the reasons identified in the papers submitted by Verizon Wireless, that Plaintiff's complaint fails to state a claim for which relief can be granted.

Accordingly, IT IS HEREBY ORDERED that:

Verizon Wireless's Motion to Dismiss is GRANTED and Plaintiff's Complaint is DISMISSED WITH PREJUDICE, without leave to amend.

IT IS SO ORDERED.

DATED: _____

JEFFREY S. WHITE, JUDGE
UNITED STATES DISTRICT COURT